

**Ministry of the  
Attorney General**

Ontario Court  
of Justice

P.O. Box 1208  
393 Main Street  
Haileybury ON P0J 1K0  
Tel: (705) 672-3395  
Fax: (705) 672-3360

**Ministère du  
Procureur général**

Cour de justice  
de l'Ontario

C.P. 1208  
393, rue Main  
Haileybury ON P0J 1K0  
Tél. : (705) 672-3395  
Téléc. : (705) 672-3360



January 18, 2010

Bond, Schoeneck & King PLLC  
One Lincoln Center  
Syracuse, NY 13202-1355  
USA

Dear Sir:

Re: Service of documents on **KELLER ENGINEERING ASSOCIATES, INC.**  
Request under the Hague Convention of Service  
Abroad of Judicial and Extrajudicial Documents

Further to your request, I have now received the Sheriff's report advising that service was effected upon the above noted.

I enclose the completed Certificate which sets out the details of service, together with one of the sets of documents provided (duplicates of those served) annexed thereto.

Since payment has been received, we are now closing this file.

Yours very truly,

A handwritten signature in cursive script, appearing to read "N. Auger".

Nadine Auger  
Customer Service Representative  
Central Authority for Service of Documents in  
Ontario under the Hague Convention

# **CERTIFICATE ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served \*

1) que la demande a été exécutée

-- the (date) -- le (date)

-- at (place, street, number) - à (localité, rue, numéro)

NOVEMBER 16 2009

107-1390 PRINCE OF WALES DR.

-- in one of the following methods authorized by article 5:

-- dans une des formes suivantes prévues à l'article 5:

OTTAWA ON

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.  
a) selon les formes légales (article 5, alinéa premier, lettre a)

☐ (b) in accordance with the following particular method:  
b) selon la forme particulière suivante: \_\_\_\_\_

☒ (c) by delivery to the addressee, who accepted it voluntarily.\*  
c) par remise simple.

The documents referred to in the request have been delivered to:  
Les documents mentionnés dans la demande ont été remis à:

KIEWIT ENGINEERING ASSOCIATES INC  
AS PER REQUEST

- (identity and description of person)  
- (identité et qualité de la personne)

KATAY FLEURY

- relationship to the addressee family, business or other  
- liens de parenté de subordination ou autres avec le destinataire de l'acte:

ADMINISTRATIVE ASSISTANT

2) that the document has not been served, by reason of the following facts\*:  
2) que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

## **ANNEXES**

Annexes

Documents returned:

Pièces renvoyées

AS PER REQUEST

In appropriate cases, documents establishing the service:  
Le cas échéant, les documents justificatifs de l'exécution:

Done at  
Fait à

OTTAWA

, the  
le

2009

Signature and/or stamp  
Signature et/ou cachet

[Signature]

U.S. Department of Justice  
United States Marshals Service



## REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE  
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION À L'ÉTRANGER  
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

**Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.*

**Identity and address of the applicant**  
*Identité et adresse du requérant*

Suzanne O. Galbato, Esq.  
Frederick J. M. Price, Esq.  
Bond, Schoeneck & King, PLLC  
One Lincoln Center  
Syracuse, New York 13202-1355  
United States

**Address of receiving authority**  
*Adresse de l'autorité destinataire*

Ministry of the Attorney General  
Courts Administration  
Court House (Provincial Division)  
393 Main Street  
Halleybury, Ontario, Canada P0J 1K0

**The undersigned applicant has the honour to transmit -- in duplicate-- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e., (identity and address)**

*Le requérant soussignée a l'honneur de faire parvenir--en double exemplaire--à l'autorité destinataire les documents ci-dessous énumérés, en la priant, conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, à savoir:*

*(identité et adresse)*

Keller Engineering Associates, Inc., 1390 Prince of Wales Drive, Suite 107,  
Ottawa, Canada K2C 3N6

☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*  
*a) selon les formes légales (article 5 alinéa premier, lettre a).*

☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:  
*b) selon la forme particulière suivante (article 5, alinéa premier, lettre b) :*

☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*:  
*c) le cas échéant, par remise simple (article 5, alinéa 2).*

**The authority is requested to return or to have returned to the applicant a copy of the documents and of the annexes with a certificate as provided on the reverse side.**

*Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte - et de ses annexes - avec l'attestation figurant au verso.*

**List of documents**  
*Énumération des pièces*

Summons

Answer and Counterclaims

Order of Hon. Randolph E. Treece

Complaint

Done at Syracuse, New York, the \_\_\_\_\_ day of October, 2009  
Fait à \_\_\_\_\_, le \_\_\_\_\_

Signature and/or stamp  
*Signature et/ou cachet*

*[Signature]*

**SUMMARY OF THE DOCUMENT TO BE SERVED**  
**ÉLÉMENTS ESSENTIELS DE L'ACTE**

**Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 novembre 1965.*

**(article 5, fourth paragraph)**  
**(article 5, alinéa quatre)**

**Name and address of the requesting authority:**

*Nom et adresse de l'autorité requérante:* Suzanne O. Galbato, Esq. and

Frederick J. M. Price, Esq., Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, NY 13202-1355

**Particulars of the parties:** Wagner Farm Properties, LLC, Tri-State Solarcrete, LLC,

*Identité des parties:* CH-Four Biogas, Inc. (F/K/A Genesys Biogas, Inc.) and Keller Engineering Associates, Inc.

**JUDICIAL DOCUMENT**  
**ACTE JUDICIAIRE**

**Nature and purpose of the document:** Counterclaims against CH-Four Biogas, Inc. (F/K/A Genesys Biogas, Inc.)  
*Nature et objet de l'acte:* and Keller Engineering Associates, Inc. in an action entitled "Wagner Farms Properties, LLC v. Tri-State Solarcrete, LLC." A copy of the underlying Complaint is also provided.

**Nature and purpose of the proceedings and, where appropriate, the amount in dispute:**

*Nature et objet de l'instance, le cas échéant, le montant du litige:* The Counterclaims seek damages for copyright infringement and unjust enrichment in an amount to be determined at trial.

**Date and place for entering appearance:** Counterclaim Defendants have 20 days from the date of service of Answer and  
*Date et lieu de la comparution:* Counterclaims to Reply to the Counterclaims. The case is venued in the U.S. District Court, Northern District of New York, James Hanley Federal Building, 100 S. Clinton St., P.O. Box 7255, Syracuse, New York 13261-7357

**Court which has given judgment\*\*:**

*Jurisdiction qui a rendu la décision:*

N/A

**Date of judgment\*\*:**

*Date de la décision:*

N/A

**Time limits stated in the document\*\*:**

*Indication des délais figurant dans l'acte:* Counterclaim Defendants have 20 days from the date of service of Answer and Counterclaims to Reply to the Counterclaims.

**EXTRAJUDICIAL DOCUMENT**  
**ACTE EXTRAJUDICIAIRE**

**Nature and purpose of the document:**

*Nature et objet de l'acte:*

**Time limits stated in the document\*\*:**

*Indication des délais figurant dans l'acte:*

Ministry of the  
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Ontario Court  
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January 18, 2010

Bond, Schoeneck & King PLLC  
One Lincoln Center  
Syracuse, NY 13202-1355  
USA

Dear Sir:

Re: Service of documents on **CH-FOUR BIOGAS, INC.**  
Request under the Hague Convention of Service  
Abroad of Judicial and Extrajudicial Documents

Further to your request, I have now received the Sheriff's report advising that service was effected upon the above noted.

I enclose the completed Certificate which sets out the details of service, together with one of the sets of documents provided (duplicates of those served) annexed thereto.

Since payment has been received, we are now closing this file.

Yours very truly,

A handwritten signature in cursive script, appearing to read "N Auger".

Nadine Auger  
Customer Service Representative  
Central Authority for Service of Documents in  
Ontario under the Hague Convention

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1) that the document has been served \*

1) que la demande a été exécutée

-- the (date) -- le (date) NOVEMBER 16 2009  
-- at (place, street, number) - à (localité, rue, numéro)

107-1390 PRINCE OF WALES DR.  
OTTAWA ON

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b) selon la forme particulière suivante: \_\_\_\_\_

☐ (c) by delivery to the addressee, who accepted it voluntarily.\*  
-- c) par remise simple.

The documents referred to in the request have been delivered to:  
Les documents mentionnés dans la demande ont été remis à:

CH-FOUR BIOGAS INC.  
AS PER REQUEST

- (identity and description of person)  
- (identité et qualité de la personne)

KATHY FLEURY

- relationship to the addressee family, business or other  
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ADMINISTRATIVE ASSISTANT

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dont le détail figure au mémoire ci-joint.

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Done at  
Fait à

OTTAWA

, the  
le

2009

Signature and/or stamp  
Signature et/ou cachet

16 NOVEMBER  
JOK





**SUMMARY OF THE DOCUMENT TO BE SERVED**  
**ÉLÉMENTS ESSENTIELS DE L'ACTE**

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**(article 5, fourth paragraph)**  
**(article 5, alinéa quatre)**

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*Nom et adresse de l'autorité requérante:* Suzanne O. Galbato, Esq. and

Frederick J. M. Price, Esq., Bond, Schoeneck & King, PLLC, One Lincoln Center, Syracuse, NY 13202-1355

**Particulars of the parties:** Wagner Farm Properties, LLC, Tri-State Solarcrete, LLC,

*Identité des parties:* CH-Four Biogas, Inc. (F/K/A Genesys Biogas, Inc.) and Keller Engineering Associates, Inc.

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*Jurisdiction qui a rendu la décision:*

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**Date of judgment\*\*:**

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**ACTE EXTRAJUDICIAIRE**

**Nature and purpose of the document:**

*Nature et objet de l'acte:*

**Time limits stated in the document\*\*:**

*Indication des délais figurant dans l'acte:*